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REMARKS

The Decision on Appeal notes that claims 1-16 are pending in the referenced application and that claims 1, 9, 10, 12, 15, and 16 are rejected. Claim 11 was previously found allowable by the Examiner. Claims 2-8, 13, and 14 were previously objected to by the Examiner as being allowable but depending from a rejected base claim. In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

OBJECTION TO CLAIMS 2-8, 13 AND 14

By this response claims 2 and 13 have been placed in independent form thus obviating the objection by the Examiner. Therefore Applicants submit that claims 2-8, 13 and 14 are patentable and in allowable form.

REJECTION OF CLAIMS 1 AND 12 UNDER 35 U.S.C. § 102

Claims 1 and 12 stand rejected as being anticipated by Norrell et al. (Norrell). The Board of Patent Appeals and Interferences (Board) agreed with the Examiner that Norrell teaches amplitude equalization at the bandedges. However, Norrell fails to disclose "a pre-equalizer for adjusting the amplitudes of the bandedges of said broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal" or "adjusting the amplitudes of the bandedges of said broadband signal in response to a control signal such that the amplitudes of the bandedges are made equal" as presently claimed in claims 1 and 12, respectively. (emphasis added) Norrell neither teaches nor suggests the claimed limitations. Therefore, claims 1 and 12 are patentable over Norrell. Claims 9, 10, 15, and 16 are patentable at least by virtue of depending from their respective base claims.

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SUPPORT FOR AMENDMENTS TO CLAIMS 1 AND 12

Support for the amendments to claims 1 and 12 can be found at least at page 6, line 26 to page 7, line 3 of the Applicants' Specification as originally filed.

Conclusion


Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §102 and 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

3/31/04

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